

EXHIBIT C

Ven-A-Care (T. Mark Jones)
Miami, FL

March 18, 2008

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

- - - - -
IN RE: PHARMACEUTICAL) MDL NO. 1456
INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
PRICE LITIGATION) 01-CV-12257-PBS
THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-A-Care of) Judge Patti B. Saris
the Florida Keys, Inc.,)
vs.) Chief Magistrate
Abbott Laboratories, Inc.,) Judge Marianne B.
No. 06-CV-11337-PBS) Bowler
- - - - -

(Captions continued on following pages)

VOLUME I

DEPOSITION OF VEN-A-CARE (T. MARK JONES)

Videotaped deposition of T. Mark Jones, held at
the Law Offices of Hunton & Williams, LLP, 1111
Brickell Avenue, Suite 2500, Miami, Florida, 33131,
on Tuesday, March 18, 2008, commencing at 9:06 a.m.,
before Donald W. McKay, RMR, CRR, a Notary Public
for the State of Florida.

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Ven-A-Care (T. Mark Jones)

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<p>1 IN THE DISTRICT OF TRAVIS COUNTY, TEXAS 2 ----- 3 THE STATE OF TEXAS, ex rel.) 4 VENA-A-CARE OF THE FLORIDA) 5 KEYS, INC.,) 6 Plaintiffs,) Cause No. 7 vs.) GV401286 8 ABBOTT LABORATORIES, INC.,) 9 et al.,) 10 Defendants.) 11 ----- 12 13 UNITED STATES DISTRICT COURT 14 FOR THE DISTRICT OF MASSACHUSETTS 15 ----- 16 COMMONWEALTH OF MASSACHUSETTS,) 17 Plaintiff,) 18 vs.) Civil Action 19 MYLAN LABORATORIES, INC.,) No. 03-CV-11865-PBS 20 et al.,) 21 Defendants.) 22 -----</p>	<p>1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT 2 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA 3 ----- 4 STATE OF IDAHO,) 5 Plaintiff,) Case No. 6 vs.) CV OC 0701847 7 ALPHARMA USPD, INC., et al.,) 8 Defendants.) 9 ----- 10 11 12 COMMONWEALTH OF KENTUCKY 13 FRANKLIN CIRCUIT COURT - DIV. III 14 ----- 15 COMMONWEALTH OF KENTUCKY,) 16 Plaintiff,) Civil Action 17 vs.) No. 03-CI-1134 18 ABBOTT LABORATORIES, INC.,) 19 Defendant.) 20 ----- 21 22</p>

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Ven-A-Care (T. Mark Jones)

March 18, 2008

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<p style="text-align: right;">Page 90</p> <p>1 to come up with Red Book, you're basing that upon</p> <p>2 documents you've read in your investigation,</p> <p>3 people with whom you've spoken in your</p> <p>4 investigation. Do I have that correct?</p> <p>5 A. Documents that we've reviewed, yes.</p> <p>6 People that we've spoken with, yes. I've also --</p> <p>7 but again, I've seen -- Abbott has given Ven-A-</p> <p>8 Care, you know, over the years, fliers on drugs</p> <p>9 which shows their list price and their AWP as</p> <p>10 well.</p> <p>11 Q. I can represent to you that there is</p> <p>12 not a single piece of paper that Ven-A-Care has</p> <p>13 provided to any state, any government law</p> <p>14 enforcement agency that we have, or to Abbott</p> <p>15 that would have a flier showing both Abbott's AWP</p> <p>16 and Abbott's list price. Can you point me to</p> <p>17 one?</p> <p>18 MR. BREEN: Objection, form.</p> <p>19 THE WITNESS: To Zovirax.</p> <p>20 BY MR. COOK:</p> <p>21 Q. For Zovirax, that would be the fax that</p> <p>22 you requested from Dennis Walker. Right?</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. And you'll agree with me that that</p> <p>2 piece of paper states on the face of it that Mr.</p> <p>3 Bentley had requested that information from</p> <p>4 Dennis Walker. Correct?</p> <p>5 A. I'd have to see it to tell you yes.</p> <p>6 Q. Now, in this case, you'll agree with me</p> <p>7 that there are literally hundreds, if not</p> <p>8 thousands of drug advertisements contained in</p> <p>9 material that Ven-A-Care collected over the years</p> <p>10 as part of its investigation. Right?</p> <p>11 A. It's hard to quantify.</p> <p>12 Q. A lot. Right?</p> <p>13 A. There is -- yes. Ven-A-Care has</p> <p>14 provided a lot of that.</p> <p>15 Q. Can you point me to any of those that</p> <p>16 Abbott issued that compared Abbott's AWP to</p> <p>17 Abbott's list price for its generic drugs?</p> <p>18 MR. BREEN: Objection to form.</p> <p>19 THE WITNESS: That I didn't see in</p> <p>20 discovery? Is that the question?</p> <p>21 BY MR. COOK:</p> <p>22 Q. That Ven-A-Care found in its</p>
<p style="text-align: right;">Page 91</p> <p>1 A. That would be what I'm talking about.</p> <p>2 Q. That was a fax that -- so, on one</p> <p>3 occasion, Zach Bentley called Michael Heggie, and</p> <p>4 Dennis Walker called him back, and Mr. Bentley</p> <p>5 requested the AWP for Acyclovir, a new drug that</p> <p>6 Abbott was coming out with. Correct?</p> <p>7 MR. BREEN: Objection, form.</p> <p>8 THE WITNESS: I don't recall how Mr.</p> <p>9 Bentley testified that he did it -- because I</p> <p>10 didn't do it. So I don't want to tell you yes,</p> <p>11 that's correct. I think that there are some</p> <p>12 elements there. I think that Acyclovir was</p> <p>13 introduced to Ven-A-Care through the GPO for</p> <p>14 Abbott, now that I'm thinking back.</p> <p>15 BY MR. COOK:</p> <p>16 Q. But in terms of an Abbott document that</p> <p>17 compared the AWP for its generic to the list</p> <p>18 price for its generic, the only piece of paper</p> <p>19 that you have in mind is this facsimile that</p> <p>20 Dennis Walker sent to Mr. Bentley. Correct?</p> <p>21 A. It's the only piece of paper I have in</p> <p>22 mind at this moment, yes.</p>	<p style="text-align: right;">Page 93</p> <p>1 investigation. We can move on to discovery in a</p> <p>2 minute.</p> <p>3 A. Not right now.</p> <p>4 Q. And in discovery, have you seen any</p> <p>5 documents, advertisements, for the drugs in this</p> <p>6 case, in which Abbott compared the AWP to its</p> <p>7 list price, again leaving aside the facsimile</p> <p>8 from Dennis Walker to Zach Bentley?</p> <p>9 A. Well, I have seen -- certainly seen</p> <p>10 Abbott compare -- complying with GPO contracts</p> <p>11 and listing out their prices with their AWP's</p> <p>12 showing percentage spreads, sometimes showing a</p> <p>13 comparative to another competitor.</p> <p>14 Q. These would be printouts from Group</p> <p>15 Purchasing Organizations. Correct?</p> <p>16 A. They would be Abbott's contracts with</p> <p>17 GPO's or Abbott's RFP's that I've seen.</p> <p>18 Q. So this would be Abbott responding to</p> <p>19 questions posed by GPO's about Abbott's drugs.</p> <p>20 Correct?</p> <p>21 MR. BREEN: Objection to form.</p> <p>22 THE WITNESS: This would be Abbott</p>

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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

- - - - -
 IN RE: PHARMACEUTICAL) MDL NO. 1456
 INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
 PRICE LITIGATION) 01-CV-12257-PBS
 THIS DOCUMENT RELATES TO)
 U.S. ex rel. Ven-A-Care of) Judge Patti B. Saris
 the Florida Keys, Inc.,)
 vs.) Chief Magistrate
 Abbott Laboratories, Inc.,) Judge Marianne B.
 No. 06-CV-11337-PBS) Bowler
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(Captions continued on following pages)

VOLUME II - CONTAINS HIGHLY CONFIDENTIAL PORTIONS

DEPOSITION OF VEN-A-CARE (T. MARK JONES)

Videotaped deposition of Ven-A-Care (T. Mark
 Jones), held at the Law Offices of Hunton & Williams,
 LLP, 1111 Brickell Avenue, Suite 2500, Miami, Florida,
 33131, on Wednesday, March 19, 2008, commencing at
 8:59 a.m., before Donald W. McKay, RMR, CRR, a Notary
 Public for the State of Florida.

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<p>1 submitting a false document, and you were not 2 concealing any material fact from Florida 3 Medicaid for payment of this -- of these funds. 4 Right? 5 A. Right. 6 Q. Thank you. 7 I'd like to ask you some questions -- 8 Mr. Jones, if I were to ask you the exact same 9 questions as Ven-a-Care's corporate 10 representative, would your answers be the same? 11 MR. BREEN: Objection to form. 12 THE WITNESS: Yes. I think that it 13 would be similar. 14 BY MR. COOK: 15 Q. Similar -- 16 A. The same. 17 Q. I would like to ask you some questions 18 specifically as a 30(b)(6) witness. And that is, 19 we looked at some Medicaid claim forms yesterday, 20 we looked at some Medicare claim forms, and we 21 looked at some Explanations of Benefits, both 22 from Medicare and Medicaid. Are there any other</p>	<p>1 has produced all of the records that would 2 pertain to this case that it has. 3 BY MR. COOK: 4 Q. Okay. Just so we're real clear -- and 5 I want the record to be clear why I'm asking you 6 this -- we have been unable to locate any claims 7 forms or EOB's for the subject drugs that Ven-a- 8 Care submitted that indicated that they were 9 submitting a claim to Medicare or Medicaid for 10 Abbott's drugs. For example, the dextrose was a 11 McGaw product. Right? 12 A. Yes. 13 Q. We believe that's significant. And as 14 the corporate designee, I'm asking you now, can 15 you point me to any so that I don't hear in a 16 response to a motion for summary judgment that, 17 in fact, there is one, if I say there are not 18 any? 19 A. I can't point you to one right now, as 20 I sit here, no. 21 Q. All right. And as a corporate 22 designee, I'm asking you the unqualified</p>
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<p>1 Medicaid or Medicare claims forms or Explanations 2 of Benefits that would relate specifically to the 3 drugs at issue in either the Texas litigation or 4 the Department of Justice litigation with Abbott? 5 MR. BREEN: Objection to form. If 6 you're going to ask him as a designee, I'd like 7 to know what designation this is under. 8 MR. COOK: Sure. Let me pull it out. 9 Well, among other things, it's pursuant to the 10 earlier designation for document witnesses that 11 we examined Mr. Jones about before. Does that 12 satisfy you? 13 MR. BREEN: The accuracy and validity 14 and completeness of documents, perhaps. 15 MR. COOK: Yes, sir. I'm simply asking 16 if there are any other claims forms or 17 Explanations of Benefits for Medicare or Medicaid 18 for any of the subject drugs that Ven-a-Care can 19 provide to us. 20 MR. BREEN: If he can answer that 21 question off the top of his head, fine. 22 THE WITNESS: I believe that Ven-a-Care</p>	<p>1 question, are there any? 2 MR. BREEN: Objection to form. 3 MR. COOK: Let me restate that. 4 BY MR. COOK: 5 Q. Are there any that Ven-a-Care can 6 produce? 7 MR. BREEN: Objection to form. 8 MR. COOK: What is the objection to 9 form? 10 MR. BREEN: I think it's a misleading 11 question. You're asking him if there is any they 12 can produce. He's testified they produced 13 everything in their possession. He's also 14 testified about the events that -- following 15 Hurricane George. And you're asking him to 16 certify that you have found everything in our 17 production that might relate. I don't think 18 that's a proper question. 19 MR. COOK: I'll ask it very clearly. 20 BY MR. COOK: 21 Q. Does Ven-a-Care today have in its 22 possession any Explanation of Benefits or</p>

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<p style="text-align: right;">Page 379</p> <p>1 could have done so, and you didn't do it. So if 2 you're going to insist that he ask as a corporate 3 -- answer as a corporate representative, I'm 4 going to interpose an objection and I'm going to 5 interpose an instruction that he not respond to 6 the question. 7 MR. COOK: You can do so, Jim, but I am 8 asking for all documents. 9 MR. BREEN: You may be asking for all 10 documents, but you didn't ask for him to marshal 11 this particular kind of evidence. So, if you 12 did, I want you to point me to the designation. 13 MR. COOK: Jim, it's clearly subsumed 14 within our earlier designation asking for the 15 completeness and the content of Ven-a-Care's 16 document production. I am more than happy to 17 suggest that -- I don't think Ven-a-Care can do 18 it. What I would ask you to do is if Ven-a-Care 19 can do this, either provide a written response, 20 and then we can discuss whether there would be 21 very limited reconvening of the 30(b)(6) 22 deposition to ask the questions related to it.</p>	<p style="text-align: right;">Page 381</p> <p>1 saying. But it's a different designation than 2 you've given. And the Court has entered orders 3 at Abbott's request that not one word of these 4 designations are going to be changed in terms of 5 the pending 30(b)(6) designations. So I don't 6 think this has been designated. 7 I will take what you're saying under 8 consideration. Obviously, if it's going to be an 9 issue that you're going to raise in motion 10 practice, it's going to have to be responded to 11 anyway. So I'm not necessarily saying we won't 12 do this. I just don't think we're required to do 13 it by the current designation. I'd like a chance 14 to think about it. 15 MR. COOK: Take a look at our original 16 designations from a year ago last March relating 17 to the document requests, and I believe they do 18 fairly require Ven-a-Care to certify that each of 19 our requests has been fully responded to. And I 20 have no doubt that they have been. I simply want 21 a witness to tell me there are no documents that 22 fit within this category that was requested in</p>
<p style="text-align: right;">Page 380</p> <p>1 If Ven-a-Care cannot do so, simply tell me so in 2 a letter or in written testimony or an affidavit. 3 I simply want to make sure that I don't get 4 sandbagged or blindsided at summary judgment if I 5 tell the Court that Ven-a-Care cannot provide 6 that evidence. That's all I'm asking. 7 MR. BREEN: I understand what you're 8 trying to do, Chris. And I respect what you're 9 trying to do. The problem is Ven-a-Care will 10 testify that it provided all the documents in its 11 possession, custody or control that were 12 responsive to your discovery requests. Ven-a- 13 Care has not been asked, in any designation, to 14 marshal the evidence that you're asking this 15 witness to marshal now. Now, hold on. Let me 16 just finish. 17 MR. COOK: We asked it in RFP's, Jim. 18 We asked for each piece of that chain in an RFP. 19 I'm simply asking whether, in response to that 20 RFP, documents exist; or if the answer is, "We 21 have no such documents." That's all I'm asking. 22 MR. BREEN: I understand what you're</p>	<p style="text-align: right;">Page 382</p> <p>1 certain of our RFP's. 2 MR. BREEN: I understand what you're 3 asking. 4 BY MR. COOK: 5 Q. Is it fair to say, Mr. Jones, that in 6 filing Ven-a-Care's various lawsuits in this 7 case, its original complaint, its Second Amended 8 Complaint, all the way through its Fourth Amended 9 Complaint, and adopting the government's 10 complaints in intervention, that Ven-a-Care has 11 not undertaken the process of putting together 12 the chain of documents showing the lifespan of a 13 reimbursed drug in the way that I've asked you 14 today? Right? 15 MR. BREEN: Objection to form. 16 THE WITNESS: I don't believe in the 17 way you asked me today. 18 BY MR. COOK: 19 Q. And I'm asking you as a corporate 20 designee, has Ven-a-Care, in filing its lawsuits 21 -- and this may short-circuit going through 22 individual complaints -- as to each of the drugs</p>

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<p>1 that Ven-a-Care named in its various lawsuits, 2 has Ven-a-Care made certain that it actually 3 purchased each of the drugs named in each of the 4 lawsuits? 5 MR. BREEN: Objection to form. 6 THE WITNESS: I don't believe Ven-a- 7 Care has purchased every drug in each of the 8 lawsuits. 9 BY MR. COOK: 10 Q. And where the lawsuits -- in the 11 complaints, it says Ven-a-Care's price, is it a 12 fair characterization that when Ven-a-Care lists 13 Ven-a-Care's price in a complaint, that is a 14 price at which Ven-a-Care could purchase the 15 product, not necessarily a price at which Ven-a- 16 Care did purchase that particular NDC? 17 A. The prices that are listed in the 18 complaint represent prices that are available to 19 Ven-a-Care, either through GPO's, wholesalers, 20 direct with companies. 21 Q. And if I were to -- Exhibit 414 is a 22 good inch thick. It's the various complaints</p>	<p>1 (Exhibit Abbott 707 was thereupon 2 marked.) 3 (Exhibit Abbott 708 was thereupon 4 marked.) 5 BY MR. COOK: 6 Q. Exhibit 707 is our Notice of Deposition 7 to you, Mr. Jones, our 30(b)(6) notice to you. 8 A. Um-hmm. 9 Q. And more importantly, Exhibit 708 is 10 the document that we attached as Exhibit A, which 11 was my November 21, 2007 letter, laying out the 12 topics on which we were asking to examine a 13 corporate representative of Ven-a-Care. And I'm 14 asking you right now about topics 1 and 2(a); 15 that is, the evidence and facts that support or 16 contradict allegations in your complaints. 17 A. Um-hmm. 18 Q. And the veracity and good-faith basis 19 for the statements made in Ven-a-Care's 20 complaints. 21 It's your understanding, of course, 22 that Ven-a-Care has adopted the government's</p>
Page 384	Page 386
<p>1 that Ven-a-Care has filed. If I were to walk you 2 through each of the perhaps hundreds, but at 3 least dozens of NDC's in those complaints, is it 4 fair to say you would not be able to tell me, 5 yes, we purchased that drug and here is an 6 invoice for it; no, we didn't purchase this drug, 7 we have no invoice for it? 8 MR. BREEN: Objection to form. 9 THE WITNESS: I would have an idea of 10 which drugs we purchased. I don't think I could 11 point to invoices where we purchased it, when, 12 you know. I know what the time frame would be 13 for the drugs, but no, I couldn't -- you couldn't 14 point to every drug and I could give you that 15 information. 16 BY MR. COOK: 17 Q. So to the extent -- and this is one of 18 the designations -- in fact, let's go ahead and 19 mark the Notice of Deposition and the 20 designations so it will be clear what I'm asking 21 you about. 22 We'll mark this as Exhibit 707 and 708.</p>	<p>1 complaint in intervention as its own. Correct? 2 A. Yes. 3 Q. So I'll get you to look at the 4 government's First Amended Complaint as the 5 operative complaint in this case. And attachment 6 one to that complaint or Exhibit 1 to that 7 complaint is a list of the drugs that are at 8 issue in the complaint. And for the record, what 9 you're looking at is a copy of Exhibit 547, which 10 is the First Amended Complaint in this case. 11 And looking at Exhibit 1 to Exhibit 12 547, can you tell me which of those drugs did 13 Ven-a-Care purchase? 14 MR. BREEN: Objection to form. 15 THE WITNESS: Specifically? I can tell 16 you Ven-a-Care has purchased Abbott's dextrose 17 solutions, it's purchased its sodium chloride 18 solutions, its Vancomycins, and its bacteria 19 static water. 20 BY MR. COOK: 21 Q. Has Ven-a-Care purchased Abbott's 22 Acyclovir?</p>

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<p>1 A. Not to my knowledge.</p> <p>2 Q. The dextrose solution -- there are a</p> <p>3 number of NDC's for dextrose solution listed.</p> <p>4 Right?</p> <p>5 A. (Nods head in the affirmative).</p> <p>6 Q. Are you able to tell me which NDC's</p> <p>7 Ven-a-Care purchased?</p> <p>8 A. Only if I could look at the invoices</p> <p>9 that I have that would allow me to identify the</p> <p>10 NDC's. And then the other issue is that</p> <p>11 sometimes -- well, not just sometimes -- many of</p> <p>12 these NDC's have changed over the years. Like</p> <p>13 from '92 to 2000. There may be an NDC change</p> <p>14 that represents the same drug. This may be --</p> <p>15 what I'm saying is this may be like a 2006 NDC</p> <p>16 that might have been a different NDC back in '95</p> <p>17 or '96.</p> <p>18 Q. Does Ven-a-Care have invoices from</p> <p>19 which you could determine whether Ven-a-Care</p> <p>20 purchased those NDC's of Abbott's dextrose?</p> <p>21 MR. BREEN: Objection to form. Asked</p> <p>22 and answered.</p>	<p>1 chloride, Vancomycin and water?</p> <p>2 A. You mean from my body, give it to you,</p> <p>3 other than my memory?</p> <p>4 Q. Can you point me to any -- specifically</p> <p>5 to any evidence to support your contention that</p> <p>6 Ven-a-Care purchased these drugs?</p> <p>7 MR. BREEN: Objection to form.</p> <p>8 THE WITNESS: Ven-a-Care turned over</p> <p>9 invoices of purchases. They should be in your</p> <p>10 possession. I can't tell you what the Bates</p> <p>11 ranges are off the top of my head.</p> <p>12 BY MR. COOK:</p> <p>13 Q. The same would be true for the other</p> <p>14 drugs, other than dextrose. Is that correct?</p> <p>15 A. Other than?</p> <p>16 Q. Well, the sodium chloride, the Vanco,</p> <p>17 and the water, the same would be true for those.</p> <p>18 Right?</p> <p>19 A. Yes.</p> <p>20 MR. COOK: Jim, before we get too far</p> <p>21 away from Exhibit 708, the specifications, it's</p> <p>22 my understanding that in the interest of</p>
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<p>1 THE WITNESS: Ven-a-Care has invoices</p> <p>2 that reflect what we've purchased. And I would</p> <p>3 have to look at them to see.</p> <p>4 BY MR. COOK:</p> <p>5 Q. But you're not able to testify today to</p> <p>6 all of the evidence and facts supporting those</p> <p>7 particular allegations in the complaint. Right?</p> <p>8 MR. BREEN: I'm going to interpose an</p> <p>9 objection now to the designation, itself. We've</p> <p>10 already alerted you of those objections. I don't</p> <p>11 think it's proper to ask this witness to sit here</p> <p>12 and marshal every piece of evidence relating to</p> <p>13 every allegation in every complaint or other</p> <p>14 representation that Ven-a-Care has made as a</p> <p>15 broad question. No witness could possibly</p> <p>16 remember all of that. And that's exactly the</p> <p>17 nature of your question right now.</p> <p>18 BY MR. COOK:</p> <p>19 Q. Other than your personal memory, are</p> <p>20 you able to provide me, sitting here today, any</p> <p>21 other evidence to support your contention that</p> <p>22 Ven-a-Care purchased Abbott's dextrose, sodium</p>	<p>1 everybody's schedules, we're not going to attempt</p> <p>2 to have Mr. Jones authenticate every document</p> <p>3 that Ven-a-Care has produced and try to do that</p> <p>4 here at this deposition. I'm more than happy to</p> <p>5 work with you to find ways to stipulate and</p> <p>6 negotiate the authenticity of documents before</p> <p>7 trial, if that's necessary.</p> <p>8 MR. BREEN: I don't anticipate that to</p> <p>9 be an issue. If you are aware, though, of any</p> <p>10 document or group of documents that you have any</p> <p>11 question as to whether or not it is a Ven-a-Care</p> <p>12 business record in the ordinary course of</p> <p>13 business as a pharmacy, or a Ven-a-Care business</p> <p>14 record in the context of its investigation, or a</p> <p>15 record that's not a Ven-a-Care business record,</p> <p>16 it may have been in their possession, that you</p> <p>17 think may be an issue, an evidentiary issue, I</p> <p>18 think we ought to try to address it. But I'm not</p> <p>19 aware of any of those issues.</p> <p>20 MR. COOK: Nor am I.</p> <p>21 MR. BREEN: That's the only thing in</p> <p>22 this case that I could contemplate might be an</p>

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<p>1 issue when it comes to authentication.</p> <p>2 MR. LAVINE: The United States will</p> <p>3 work with you in the same fashion.</p> <p>4 MR. COOK: Sure. And I assume that Mr.</p> <p>5 Jones will be available to testify at trial if it</p> <p>6 were necessary, especially if the trial took</p> <p>7 place here in Miami.</p> <p>8 MR. BREEN: Yes.</p> <p>9 MR. COOK: And subpoena power would</p> <p>10 extend to Key West even if it were in</p> <p>11 Massachusetts, which I don't think the rules</p> <p>12 allow, under the False Claims Act.</p> <p>13 MR. BREEN: I think under the False</p> <p>14 Claims Act, subpoena power is nationwide.</p> <p>15 Everybody.</p> <p>16 BY MR. COOK:</p> <p>17 Q. Mr. Jones, in 1996, Ven-a-Care filed an</p> <p>18 Amended Complaint. Correct?</p> <p>19 A. If it was 1996, yes.</p> <p>20 Q. I don't have a copy of it, so I'm not</p> <p>21 able to give you a copy of it. Abbott was not in</p> <p>22 the caption of that complaint. Correct?</p>	<p>1 And for the record, Exhibit 415 states</p> <p>2 in its first line, "Plaintiff hereby voluntarily</p> <p>3 dismisses without prejudice, defendant Abbott</p> <p>4 Laboratories" -- and then there is some redaction</p> <p>5 tape, and the sentence continues -- "from the</p> <p>6 instant action and adds as defendants" -- and</p> <p>7 again, there is redaction tape -- "pursuant to</p> <p>8 15(a) of the rules of civil procedure."</p> <p>9 Do you see that?</p> <p>10 THE WITNESS: There you go. I was</p> <p>11 looking at 416.</p> <p>12 BY MR. COOK:</p> <p>13 Q. Do you see that the notice of</p> <p>14 dismissing and adding defendants is signed by</p> <p>15 your attorneys, Mr. Wampler and Mr. Breen?</p> <p>16 A. Yes.</p> <p>17 Q. Were your attorneys authorized to file</p> <p>18 this document in court on behalf of Ven-a-Care?</p> <p>19 A. Yes.</p> <p>20 Q. Does this document accurately reflect</p> <p>21 an action that Ven-a-Care intended to take in the</p> <p>22 district court for the Southern District of</p>
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<p>1 A. That's correct.</p> <p>2 MR. COOK: If I could impose upon Mr.</p> <p>3 Breen to grab the book of exhibits that contain</p> <p>4 Exhibits 414 and 415.</p> <p>5 MR. BREEN: Do you know what volume</p> <p>6 that is?</p> <p>7 MR. COOK: 414 is quite large. Volume</p> <p>8 nine.</p> <p>9 MR. BREEN: Here is volume nine.</p> <p>10 You're talking about the orange book.</p> <p>11 MR. COOK: Just volume nine. I think</p> <p>12 that has 414 and 415 in it. Oh, I'm sorry.</p> <p>13 THE WITNESS: This is 200s.</p> <p>14 MR. COOK: Sorry, Jim. Volume 14.</p> <p>15 MR. BREEN: All right.</p> <p>16 MR. COOK: Volume 14 and volume 15.</p> <p>17 And volume 15 contains Exhibit 415.</p> <p>18 THE WITNESS: It says 414.</p> <p>19 MR. COOK: 415.</p> <p>20 And 415, for the record, is Ven-a-</p> <p>21 Care's Notice of Dismissing and Adding</p> <p>22 Defendants, dated March 28, 1997.</p>	<p>1 Florida?</p> <p>2 MR. BREEN: Objection to form.</p> <p>3 THE WITNESS: I'm sorry. Can you say</p> <p>4 that again.</p> <p>5 BY MR. COOK:</p> <p>6 Q. Does this document accurately reflect</p> <p>7 an action or a request that Ven-a-Care intended</p> <p>8 to make of the District Court for the Southern</p> <p>9 District of Florida?</p> <p>10 MR. BREEN: Objection to form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. COOK:</p> <p>13 Q. I don't want you to reveal any</p> <p>14 communications with counsel, because I assume --</p> <p>15 well, let me ask you. Did you have conversations</p> <p>16 with counsel, without revealing the content,</p> <p>17 before counsel filed this document on behalf of</p> <p>18 Ven-a-Care?</p> <p>19 A. Yes.</p> <p>20 Q. So a conversation took place; and at</p> <p>21 the end of that conversation, counsel had</p> <p>22 authorization to file this document on your</p>

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<p>1 behalf. Correct?</p> <p>2 A. Yes.</p> <p>3 MR. BREEN: Objection to form.</p> <p>4 BY MR. COOK:</p> <p>5 Q. Without revealing what communications</p> <p>6 you had with client -- with your attorney, after</p> <p>7 the end of that conversation, why is it that Ven-</p> <p>8 a-Care sought to dismiss Abbott from this</p> <p>9 lawsuit?</p> <p>10 MR. BREEN: I'm going to object, impose</p> <p>11 the attorney-client privilege objection, and</p> <p>12 instruct the witness not to answer to the extent</p> <p>13 that any -- if part of his answer reveals</p> <p>14 confidential communications with counsel.</p> <p>15 THE WITNESS: I'm not able to answer.</p> <p>16 BY MR. COOK:</p> <p>17 Q. Is it fair to say that you dismissed</p> <p>18 Abbott from this lawsuit based upon the advice of</p> <p>19 counsel?</p> <p>20 MR. BREEN: Same objection, same</p> <p>21 instruction.</p> <p>22 MR. COOK: Are you instructing him not</p>	<p>1 the record. The time is 9:49.</p> <p>2 BY MR. COOK:</p> <p>3 Q. After your conversation with counsel,</p> <p>4 can you tell me why it was that Ven-a-Care filed</p> <p>5 its notice of dismissing Abbott voluntarily on</p> <p>6 March 28th of 1997?</p> <p>7 MR. BREEN: I will assert the attorney-</p> <p>8 client privilege and instruct the witness not to</p> <p>9 answer.</p> <p>10 BY MR. COOK:</p> <p>11 Q. There were two groups of defendants</p> <p>12 listed in the notice of dismissing and adding</p> <p>13 defendants on March 28, 1997. Right?</p> <p>14 MR. BREEN: Objection to form. I'm not</p> <p>15 sure -- what do you mean?</p> <p>16 BY MR. COOK:</p> <p>17 Q. There was a group of defendants that</p> <p>18 were being dismissed without prejudice and a</p> <p>19 group of defendants that were being added in this</p> <p>20 notice of dismissal. Right? They're just</p> <p>21 obscured by redacting tape in this version of the</p> <p>22 document. Right?</p>
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<p>1 to answer the question? It's a yes or no</p> <p>2 question.</p> <p>3 MR. BREEN: Yes. I'm instructing him</p> <p>4 not to answer the question.</p> <p>5 MR. COOK: Your last instruction was</p> <p>6 more --</p> <p>7 MR. BREEN: I know. It was kind of</p> <p>8 vague.</p> <p>9 Actually, before moving on, can we take</p> <p>10 a brief break? Because I'd like to speak to Mr.</p> <p>11 Lavine for a minute before we move beyond this</p> <p>12 particular topic.</p> <p>13 MR. COOK: That would be fine.</p> <p>14 THE VIDEOGRAPHER: All right. Let me</p> <p>15 go off the record. The time is 9:36.</p> <p>16 MR. BREEN: Do you have any objection</p> <p>17 to me talking to the witness about the privilege</p> <p>18 issue?</p> <p>19 MR. COOK: No, sir, please do.</p> <p>20 (Thereupon, a recess was taken,</p> <p>21 after which the following proceedings were had:)</p> <p>22 THE VIDEOGRAPHER: We're now back on</p>	<p>1 A. It's redacted, yes.</p> <p>2 Q. Can you tell me, did Ven-a-Care's</p> <p>3 investigation reveal anything about Abbott that</p> <p>4 was different from other defendants in this case?</p> <p>5 MR. BREEN: Objection --</p> <p>6 BY MR. COOK:</p> <p>7 Q. That would be significant to this</p> <p>8 notice of dismissing Abbott.</p> <p>9 MR. BREEN: Objection to form. And</p> <p>10 again, I would ask the witness to carefully</p> <p>11 consider that question; and to the extent that</p> <p>12 there was anything communicated by counsel to</p> <p>13 Ven-a-Care, I would instruct the witness not to</p> <p>14 answer, but to say it's on that basis. If there</p> <p>15 was something separate from Ven-a-Care's relator</p> <p>16 investigation, independent, that is distinct from</p> <p>17 anything counsel would have advised, then the</p> <p>18 witness can answer.</p> <p>19 THE WITNESS: I can't answer that.</p> <p>20 BY MR. COOK:</p> <p>21 Q. Did Ven-a-Care feel as if it had a</p> <p>22 valid claim against Abbott as of March 28, 1997?</p>

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<p>1 MR. BREEN: Objection to form. 2 THE WITNESS: Yes. 3 BY MR. COOK: 4 Q. And yet Ven-a-Care was seeking to 5 dismiss Abbott on March 28, 1997. Correct? 6 MR. BREEN: Objection to form. 7 THE WITNESS: Yes. 8 BY MR. COOK: 9 Q. At this time, as of March 28, 1997 -- 10 I'm going to ask you this in a way that I hope 11 you can answer yes or no -- had Ven-a-Care's 12 investigation, in fact, shown that Abbott 13 Laboratories was not engaging in actions that 14 Ven-a-Care would characterize as marketing the 15 spread? 16 MR. BREEN: Same instruction. If the 17 witness needs clarification on the objection and 18 instruction, let me know. But same instruction 19 as to do not answer the question -- do not reveal 20 information to the extent that it requires you to 21 divulge communications with counsel. However, 22 you're free to answer the question to the extent</p>	<p>1 MR. BREEN: Objection to form. 2 THE WITNESS: No. 3 BY MR. COOK: 4 Q. You would contend to me that as of 5 March 28, 1997, Ven-a-Care had evidence to 6 suggest that Abbott was actively promoting the 7 difference between its AWP's and the purchase 8 price for its drugs? 9 A. Yes. 10 Q. Could you briefly describe for me the 11 nature of the evidence that Ven-a-Care had, as of 12 March 28, 1997, of such active promotion of 13 spreads. 14 A. It had its GPO prices, its price list. 15 It had prices in the catalogs that we were 16 ordering from. We knew the difference between 17 Abbott's price and Red Book price, Blue Book 18 price. The spreads were obvious. 19 Q. But you would agree with me that as of 20 March 28, 1997, Ven-a-Care certainly had no 21 evidence that Abbott was running advertisements 22 that promoted the difference between its AWP's</p>
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<p>1 that it's based upon Ven-a-Care's non-counsel 2 investigation. 3 Does that make sense? 4 MR. COOK: Yes. 5 THE WITNESS: Could you repeat it for 6 me. 7 BY MR. COOK: 8 Q. Certainly. I can break the question 9 down a little bit. 10 You can agree with me that there are 11 companies -- and I won't name them here -- but 12 there are companies that actively promoted the 13 difference between their AWP's and the price at 14 which their drug could be purchased. Right? 15 A. Yes. 16 Q. You would agree with me that as of 17 March 28, 1997, Ven-a-Care had no evidence to 18 suggest that Abbott was among the companies that 19 for the drugs involved in this lawsuit, was 20 actively promoting the difference between 21 Abbott's AWP's and the price at which it could 22 purchase Abbott's products.</p>	<p>1 and its -- and its negotiated contract prices. 2 Right? 3 A. I'm sorry. What date were we talking 4 about? 5 Q. March 28th of 1997. 6 MR. BREEN: At this point, could you 7 read the question back. 8 (The question referred to was 9 thereupon read by the reporter as above 10 recorded.) 11 THE WITNESS: I don't recall. 12 BY MR. COOK: 13 Q. As of March 28, 1997, you will agree 14 with me that no sales rep or representative of 15 Abbott had expressly encouraged Ven-a-Care to 16 purchase Abbott's products because there was a 17 difference between Abbott's AWP and the price at 18 which Ven-a-Care could purchase Abbott's 19 products. Correct? 20 A. Our interaction with sales reps were to 21 meet with them. They bring catalogs -- you know, 22 the price catalogs and their contracts.</p>

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<p>1 Q. But no Abbott sales rep told you, buy</p> <p>2 Abbott's product because we have a high AWP and</p> <p>3 you can make a big spread between the contract</p> <p>4 price and the AWP. Isn't that true?</p> <p>5 A. Dennis Walker.</p> <p>6 Q. That occurred after March 28, 1997.</p> <p>7 Correct?</p> <p>8 A. I believe so.</p> <p>9 Q. And that communication was as a result</p> <p>10 of Mr. Bentley calling Abbott to request Abbott's</p> <p>11 AWP's for Acyclovir. Correct?</p> <p>12 A. I don't know that he called to request</p> <p>13 them. I think he called to talk to him. And as</p> <p>14 a part of that conversation, he was able to get</p> <p>15 that information, yes.</p> <p>16 Q. And, in fact, the facsimile that was</p> <p>17 sent back indicates that the prices were being</p> <p>18 provided to Mr. Bentley as Mr. Bentley requested.</p> <p>19 Right?</p> <p>20 A. Do you have the facsimile that I could</p> <p>21 see it? I mean, I know what you're saying and I</p> <p>22 may agree --</p>	<p>1 BY MR. COOK:</p> <p>2 Q. At any time.</p> <p>3 A. Well, I've done a lot of document</p> <p>4 reviews now. I've seen a lot of Abbott's</p> <p>5 documents and how they market the spread. So, I</p> <p>6 mean --</p> <p>7 Q. That would be document reviews that</p> <p>8 you've conducted in connection with this case.</p> <p>9 Right?</p> <p>10 A. Yes.</p> <p>11 Q. That wouldn't be something that Ven-a-</p> <p>12 Care observed as an infusion pharmacy in the</p> <p>13 marketplace. Right?</p> <p>14 MR. BREEN: Objection to form.</p> <p>15 THE WITNESS: Not in the levels of the</p> <p>16 documents that we've seen.</p> <p>17 BY MR. COOK:</p> <p>18 Q. And if we were to distinguish between</p> <p>19 facts that you, Mr. Jones, have learned through</p> <p>20 discovery in this case and facts that Ven-a-Care</p> <p>21 learned as a participant in the marketplace, what</p> <p>22 you're referring to was learned through the</p>
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<p>1 Q. It says what it says.</p> <p>2 A. Yeah. I just don't know that it said</p> <p>3 that this is what you requested.</p> <p>4 Q. By the way, this interchange between</p> <p>5 Mr. Bentley and Mr. Walker occurred between this</p> <p>6 March 28, 1997 dismissal of Abbott and the August</p> <p>7 filing of Ven-a-Care's Amended Complaint in which</p> <p>8 it added Abbott in as a defendant. Correct?</p> <p>9 A. If that's the dates, you know --</p> <p>10 Q. So, as of March 28, 1997, Ven-a-Care</p> <p>11 had no communications with any representative of</p> <p>12 Abbott in which Abbott undertook any actions to</p> <p>13 actively market the spread for its products?</p> <p>14 A. Not that I can remember.</p> <p>15 Q. Other than that one interchange with</p> <p>16 Mr. Bentley and Mr. Walker relating to Acyclovir,</p> <p>17 there are no other instances to which Ven-a-Care</p> <p>18 complained of Abbott actively marketing the</p> <p>19 spread for its products. Correct?</p> <p>20 MR. BREEN: Objection, form.</p> <p>21 THE WITNESS: What is the time frame</p> <p>22 you're talking about?</p>	<p>1 discovery process. Correct?</p> <p>2 A. The documents that I'm talking about</p> <p>3 now would be through the discovery process.</p> <p>4 Q. And limiting ourselves to what Ven-a-</p> <p>5 Care saw as an infusion pharmacy operating in the</p> <p>6 marketplace, the only instance of Abbott taking</p> <p>7 any action to actively market the spread for its</p> <p>8 products to which you can point is this</p> <p>9 communication in August of 1997 between Mr.</p> <p>10 Walker and Mr. Bentley. Correct?</p> <p>11 MR. BREEN: Objection to form.</p> <p>12 THE WITNESS: I guess if your</p> <p>13 definition is active and if active means</p> <p>14 marketing the spread to you -- there is passive</p> <p>15 marketing the spread, and it's just marketing the</p> <p>16 spread.</p> <p>17 BY MR. COOK:</p> <p>18 Q. So your answer would be yes?</p> <p>19 A. That Abbott passively marketed the</p> <p>20 spread to all of its customers by sending their</p> <p>21 contracts and their price lists. And there is a</p> <p>22 huge difference between what the contract price</p>

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<p>1 is, what their list price is, what their AWP's 2 are. 3 Q. And Ven-a-Care saw that, because Ven-a- 4 Care received catalogues and was able to look at 5 price lists that were available to the public. 6 Right? 7 MR. BREEN: Objection, form. 8 THE WITNESS: I don't know that the 9 price lists were available to the public. 10 BY MR. COOK: 11 Q. Compendia available to the public. 12 A. I'm talking about Abbott's published 13 price list, and the compendia as well. 14 Q. But in terms of actively marketing the 15 spread, as opposed to, as you describe it, 16 passively marketing the spread, the only instance 17 of Abbott actively marketing the spread that Ven- 18 a-Care witnessed, as you describe it, would be 19 this interchange between Mr. Walker and Mr. 20 Bentley. Correct? 21 MR. BREEN: Objection, form. And 22 again, you're only talking about -- you're not</p>	<p>1 MR. COOK: We'll just yell. 2 BY MR. COOK: 3 Q. Mr. Jones, you understand the 4 difference that we've been discussing between 5 what you have referred to as passively marketing 6 the spread and what I refer to as actively 7 marketing the spread. Right? 8 MR. BREEN: I'm going to object to the 9 form of that question. 10 THE WITNESS: Well, I'm just trying to 11 understand what you mean by "actively marketing 12 the spread," which would in my mind be someone 13 coming to me, you know, showing me something, you 14 know, defining it right to my face. 15 BY MR. COOK: 16 Q. Let's start with that. Can you point - 17 - 18 A. Dennis Walker. 19 Q. Dennis Walker. 20 Can you point to any other interaction 21 between Ven-a-Care and anyone at Abbott, a 22 representative of Abbott, relating specifically</p>
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<p>1 talking about the many, many documents and 2 testimony he's seen during the course of 3 discovery. 4 MR. COOK: I'm talking about things 5 that Ven-a-Care witnessed as an infusion provider 6 or investigating its case before the discovery 7 process started. 8 MR. BREEN: And you're by definition 9 saying an Abbott representative talking to a Ven- 10 a-Care representative. Your question is limited 11 to that. Correct? 12 MR. COOK: No, sir, I'm asking -- let 13 me ask the question again. 14 MR. LYNCH: Chris, excuse me. I just 15 got an e-mail from somebody on the phone saying 16 they're having trouble hearing the witness. Can 17 you move your microphone up, perhaps. 18 MR. COOK: It won't help. It's a 19 speaker phone. We'll just try to talk a little 20 bit louder. 21 MR. BREEN: We'll start raising our 22 voice.</p>	<p>1 to the spread for Abbott's drugs? 2 MR. BREEN: Objection, form. 3 THE WITNESS: Not at this time, no. 4 BY MR. COOK: 5 Q. Now, Ven-a-Care claims to be a 6 whistleblower in this case. Right? 7 A. A relator. 8 Q. You've used the term "whistleblower" in 9 testimony before Congress or conversations with 10 government officials; haven't you? 11 A. Generally, I use the word "relator." I 12 may have. I don't -- I can't tell you if I have 13 or not. 14 Q. And Ven-a-Care claims to be the 15 original source of information in this 16 litigation. Correct? 17 MR. BREEN: Objection, form. 18 THE WITNESS: Yes. 19 BY MR. COOK: 20 Q. You've looked earlier at Sellers 21 Exhibit No. 3, which is Exhibit 547, in prior 22 depositions, which is the government's First</p>

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<p>1 Amended Complaint. You've read that on prior 2 occasions. Correct? 3 A. Pardon? 4 Q. You've read that complaint before. 5 Right? 6 A. I have read this complaint. 7 Q. And you understood it. Right? 8 A. As much as I understand anything that's 9 legal. 10 Q. And Ven-a-Care has adopted that 11 complaint. Correct? 12 A. To my knowledge, yes. 13 Q. If you could look at topic No. 3 of 14 Exhibit 708, which is our notice of -- it's my 15 November 21, 2007 letter. 16 A. Okay. 17 MR. BREEN: What is the -- do we have 18 another copy of the First Amended Complaint 19 around here? Or is it in the binder? 20 MR. COOK: It's Exhibit 547. It's not 21 in the binders. It has not been bound up yet. I 22 have one that was PDF'd to me yesterday.</p>	<p>1 objections to this particular designation. They 2 stand. I don't think I need to restate the 3 reasons on the record. I'm going to allow the 4 witness to respond as best he can pursuant to our 5 prior agreement to see if you can get what you 6 need out of this. But I do not believe this is a 7 proper 30(b)(6) designation the way it is stated. 8 MR. COOK: That's my understanding of 9 how Abbott has handled 30(b)(6) designations with 10 which we disagree. We've produced a witness and 11 asked the witness to testify as best we can to 12 them. So that is perfectly acceptable to me, Mr. 13 Breen. 14 BY MR. COOK: 15 Q. Do you understand what that designation 16 is asking for testimony about, Mr. Jones? 17 A. Fundamentally, if you could clarify it 18 for me, get more specific. 19 Q. Sure. Ven-a-Care, in its complaints, 20 claims to be -- direct and independent knowledge 21 of the information contained in the complaint and 22 an original source of the information. You see</p>
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<p>1 MR. BREEN: I appreciate it. 2 MR. COOK: I hope it's complete. 3 MR. BREEN: Just something I can follow 4 here. 5 MR. COOK: Certainly. 6 MR. BREEN: So we're on -- 7 MR. COOK: Exhibit 708. 8 MR. BREEN: Topic -- 9 MR. COOK: No. 3. 10 BY MR. COOK: 11 Q. Topic No. 3 reads -- I'll just read it 12 for the record without the subparts -- we're 13 asking you to testify about, quote: Ven-a-Care's 14 contentions that the relator had, quote, direct 15 and independent knowledge of the information, and 16 is the, quote, original source, close quote, of 17 the information, close quote, on which the 18 allegations contained in each of the complaints 19 relating to Abbott are based. 20 Do you understand what this is asking? 21 MR. BREEN: Before we go further, I'm 22 going to pose an objection. We've already posed</p>	<p>1 that language quoted from the complaint. Right? 2 A. Yes. 3 Q. Can you tell me, limiting yourself to 4 the allegations in which the government has 5 intervened in the First Amended Complaint, the 6 claims in which the government has intervened -- 7 A. These claims in here. 8 Q. Yes, sir. 9 A. Okay. 10 Q. Because there are certain claims in 11 which the government did not intervene. Correct? 12 There were drugs, for example, that the 13 government didn't intervene in. They didn't 14 simply adopt Ven-a-Care's Fourth Amended 15 Complaint. Right? 16 A. Correct. 17 Q. And limiting yourself to the 18 government's First Amended Complaint and the 19 drugs that are listed in the government's First 20 Amended Complaint, can you tell me of what is it 21 that Ven-a-Care is the original source with 22 direct and independent knowledge as Ven-a-Care</p>

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<p>1 contends.</p> <p>2 MR. BREEN: Same objection.</p> <p>3 THE WITNESS: Ven-a-Care, prior to</p> <p>4 filing the first complaint -- it's going to have</p> <p>5 to go back to that, because that's where the</p> <p>6 information came from -- conducted an</p> <p>7 investigation on the industry. And part of that</p> <p>8 investigation was finding out how claims are paid</p> <p>9 through the Medicare and Medicaid programs, doing</p> <p>10 comprehensive surveys through -- I think it was</p> <p>11 all 50 states. I can't tell you how many</p> <p>12 carriers were interviewed, as far as trying to</p> <p>13 find out what reimbursement was.</p> <p>14 We marshaled all of our pricing</p> <p>15 evidence that we had from every one of our GPO's</p> <p>16 at the time, our wholesalers, any direct</p> <p>17 accounts, any direct representations of price.</p> <p>18 We also were able to go to the compendia and</p> <p>19 gather the information from the compendia on the</p> <p>20 differences between what we had -- of the prices</p> <p>21 that were available to us in the marketplace as</p> <p>22 opposed to what the prices were being reported to</p>	<p>1 listed them out by NDC number, by strength. We</p> <p>2 put their AWP's, their direct prices if</p> <p>3 available, Ven-a-Care's prices, and the spreads</p> <p>4 available, and we did them for each of the drugs</p> <p>5 which we provided to the government. And all of</p> <p>6 this I'm talking about was provided to the</p> <p>7 government.</p> <p>8 BY MR. COOK:</p> <p>9 Q. All of this predates the filing of the</p> <p>10 complaint. Correct?</p> <p>11 A. Yes. Yes. I'm trying to --</p> <p>12 Q. What's the time frame in which this</p> <p>13 conduct -- in which these communications with the</p> <p>14 government took place?</p> <p>15 A. We started in '94, the beginning.</p> <p>16 MR. BREEN: I'm going to object to the</p> <p>17 form in terms of "these communications."</p> <p>18 MR. COOK: Sure. I can make it a</p> <p>19 little more specific.</p> <p>20 BY MR. COOK:</p> <p>21 Q. Mr. Jones, you described a number of</p> <p>22 meetings with the Office of Inspector General,</p>
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<p>1 the marketplace for reimbursement purposes.</p> <p>2 We also had several meetings,</p> <p>3 conversations, with the OIG; more specifically,</p> <p>4 the OIG audit services out of Atlanta and its</p> <p>5 sister office out of Jacksonville. We provided</p> <p>6 information on the nature of the pharmaceuticals</p> <p>7 at issue to each of those agents. We sent</p> <p>8 contracts to them. We had multiple</p> <p>9 communications with them. We evaluated pricing</p> <p>10 for them. We actually even provided them an</p> <p>11 ability to go to a med trade show as Ven-a-Care -</p> <p>12 - posing as Ven-a-Care employees so that they</p> <p>13 could get into a med trade show and get accurate</p> <p>14 prices, which they were trying to investigate at</p> <p>15 the time. So we had a pretty close relationship</p> <p>16 with the OIG.</p> <p>17 We had a few meetings with the</p> <p>18 Department of Justice before. Let's see. It was</p> <p>19 a long time ago. I'm trying to remember</p> <p>20 everything here.</p> <p>21 We also put together our own charts.</p> <p>22 We took these drugs or similar drugs at issue, we</p>	<p>1 Office of Audit Services, and meetings with the</p> <p>2 Department of Justice prior to the filing of the</p> <p>3 first complaint in this case. When did the first</p> <p>4 of those meetings with the Office of Inspector</p> <p>5 General, the Department of Justice occur?</p> <p>6 A. Well, I believe in -- I'm just taking a</p> <p>7 guess -- it was early '94. It may have been '93</p> <p>8 with the OIG. The Department of Justice meetings</p> <p>9 were in '94 and '95.</p> <p>10 Q. Is it your understanding that the</p> <p>11 Office of Inspector General, Office of Audit</p> <p>12 Services, was conducting an investigation in</p> <p>13 order to determine what the actual prices in the</p> <p>14 marketplace were for drugs, including those named</p> <p>15 in the First Amended Complaint?</p> <p>16 MR. BREEN: Objection to form.</p> <p>17 THE WITNESS: That was a part of an</p> <p>18 investigation, yes.</p> <p>19 BY MR. COOK:</p> <p>20 Q. Was there a larger aspect of the</p> <p>21 investigation that you could describe?</p> <p>22 A. Well, they also were looking at the</p>

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